REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. **35 U.S.C. § 103, Obviousness**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103 as being unpatentable over *Bogat*, System and Method for Tracking Items at a Scale of a Self-Checkout Terminal, U.S. Patent Application Publication 2003/0047387 published by *Bogat* in view of U.S. Patent Application Publication 2003/0122667 published by *Flynn*. This rejection is respectfully traversed.

Applicants claim a value that is associated with a characteristic of a product. This value is stored in a first field in a database. The time this value was last updated is stored in a third field in the database. A new value for the product is stored in a fourth field in the database.

Applicants claim four different time periods: an optimizing time, a last time, a time difference, and a predetermined period. The optimizing time is the time this optimization process is taking place. As discussed above, the last time is the time the value for the product was last updated. A time difference is determined between the optimizing time and the last time for the product. The time difference is then compared to the predetermined period. If the time difference is greater than the predetermined period, the product becomes part of the query result.

Applicants claim querying the database to locate products that have a new value. In addition to having a new value, in order to be returned in the query result, the product must also have a time difference between the optimizing time, when this optimization process is taking place, and a last time the value, which is stored in the first field, that is greater than the predetermined period.

Bogat teaches a consumer typically scanning an item so the terminal processor can build a list of items that the consumer intends to purchase. Once the item is scanned, it is placed on the surface of checkout area 30. See page 2, paragraph 0019. The checkout area 30 includes weight sensors that indicate the weight that is currently placed on the checkout area 30. See page 2, paragraph 0020. There is a steady state value that is established for the weight sensors. When an item is placed on the checkout area 30, the weight sensors detect the new weight. An item locator 38 detects a change in the weight sensors. Threshold boundaries are also established to account for variations in the weight value. Any change in the weight that exceeds one of these thresholds indicates that an item has either been added to or removed from the checkout area. See page 2, paragraph 0021.

A steady state value is established for the weight sensors. The steady state value can be adjusted to be a new steady value by taking a mean or average of a plurality of readings taken from the sensors. When the steady state value is changed, the new weight value of the items on the checkout area is the difference between the new steady state and the previously established steady state. See page 3, paragraph 0022.

When an item is added to the checkout area, the item locator builds a data structure, or data record, that includes an item identifier, item location data, the weight distribution data, and total weight. When a customer scans an item, the processor provides an item identifier to the item locator. If the weight sensors detect an increase in weight placed on the checkout area, this weight differential and location are associated with the item in that item's data structure. See page 3, paragraph 0023-0024.

Bogat describes a process whereby the item locator continues to create and store data structures for items that have been scanned and placed on the checkout area. When an item is removed and not replaced within a timeout period of time, that item's data structure is provided to the security application. See page 3, paragraph 0025.

The Examiner alleges in the office action that a plurality of sensors stationed at different fields of the checkout area are the first, second, third, and fourth fields claimed by Applicants. Applicants disagree. The first, second, third, and fourth fields claimed by Applicants are fields in a database and are not either physical areas or sensors.

Applicants claim a value that is stored in a first field. Applicants claim a second field for storing identification information. Applicants claim a third field for storing a last time. Applicants claim a fourth field for storing at least one new value. These fields are fields included within a database. The fields relied upon by the Examiner are not analogous to the fields of a database and cannot store a value, identification information, a last time, or at least one new value.

Applicants claim an optimizing time. *Bogat* does not teach an optimizing time. The Examiner states that *Bogat* teaches an optimizing time but does not refer to any section of *Bogat* that teaches this feature.

Applicants claim a last time when the value, which is stored in a first field, was last updated. Applicants also claim this last time being stored in a third field. *Bogat* does not teach a last time when the value was last updated where that last time is stored in a third field. *Bogat* teaches a data structure, also referred to as a data record. A last time the item location data or weight distribution data was updated is not stored in that item's data structure. In fact, *Bogat* provides no teaching as to when an update may have occurred.

Bogat does not teach a fourth field for storing a new value of the characteristic. *Bogat* teaches generating and storing a data structure for an item. The item's weight and location data are included in the data structure. The data structure does not include a field for storing a new value for that item's weight or location data.

Bogat does not teach querying a database for products that have a time difference between the optimizing time and the last time that is greater than a predetermined time.

The Examiner states that the sensors of *Bogat* are stationed at different fields and that these fields teach the first, second, third, and fourth fields claimed by Applicants. The fields of *Bogat* are physical fields of a checkout area. As discussed above, fields of a physical area are not fields include in a database.

The Examiner relies on paragraphs 0021-0022, as teaching most of the remaining features of Applicants' claims. Particularly, the Examiner states that paragraphs 0021-0022 teach updating data records from old values to new values. The Examiner does not refer to any particular section of these paragraphs that teaches this feature. These paragraphs do not teach updating data records, and certainly does not teach updating data records from old values to new values.

The Examiner states: "Bogat further teach providing a database of records wherein each of said records includes a plurality of values of fields containing respective field values which characterize said products, obviously teach the time difference between the optimizing time value and the last time value (fig. 3A, 116)." Applicants disagree. Figure 3A, step 116, teaches data records for items that have been removed from the checkout area being stored. This step also teaches a data record being generated and stored for a received item. Figure 3A, step 116, makes no mention whatsoever about a time of any sort. Figure 3A, step 116, does not teach a time difference.

The Examiner states that *Bogat* does not teach a self-checkout system and relies on *Flynn* to teach this feature. The combination of *Bogat* and *Flynn* does not teach or suggest all of the features of Applicants' claims because, as described above, *Bogat* does not teach the features as relied on by the Examiner.

The remaining claims depend from the claims discussed above and are patentable for the reasons given above.

Therefore, the rejection of claims 1-20 under 35 U.S.C. § 103 has been overcome.

II. **Conclusion**

It is respectfully urged that the subject application is patentable over the combination of *Bogat* and *Flynn* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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